

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

UNITED STATES OF AMERICA,)	
Plaintiff,)	
)	Case No. 4:19-cv-00415
v.)	
)	Filed Electronically
ALEXANDRU BITTNER,)	
Defendant.)	

JOINT MOTION FOR MODIFICATION OF THE SCHEDULING ORDER

Plaintiff, the United States of America, and Defendant, Alexandru Bittner (collectively, the “Parties”), by their undersigned counsel, respectfully move the Court to extend the discovery deadline and dispositive motion deadline and in support thereof, state:

1. The Court’s Scheduling Order (Doc. 9) provides that March 9, 2020 is the deadline for filing dispositive motions and March 12, 2020 is the deadline for which discovery must be completed.

2. The Parties wish to extend the discovery close deadline by 30 days until April 13, 2020, and to extend the deadline for filing dispositive motions by 45 days until April 23, 2020.

3. The Parties have made substantial progress in written discovery and have scheduled four depositions to occur in February, including three Government witnesses and one Defendant witness.

4. The Parties wish to extend the deadline to allow for potential depositions of out-of-state witnesses—retired IRS employees—which will be determined following the scheduled depositions in February.

5. Under the current deadlines, logistics for potential out-of-state travel is not practicable for either Plaintiff or Defendant.

WHEREFORE, the Parties respectfully request the Court grant this Motion.

Dated: February 10, 2020

Respectfully submitted,

RICHARD E. ZUCKERMAN
Principal Deputy Assistant Attorney General

By: /s/ Herbert W. Linder
HOLLY M. CHURCH
Attorney, Tax Division
State Bar No. 24040691
HERBERT W. LINDER
Ohio Bar No. 0065446
Department of Justice
717 N. Hardwood, Suite 400
Dallas, Texas 75201
(214) 880-2432/(214) 880-9754
(214) 880-9742 (FAX)
Holly.M.Church@usdoj.gov
Herbert.W.Linder@usdoj.gov

ATTORNEYS FOR UNITED STATES

And

CLARK HILL STRASBURGER

By: /s/ Farley P. Katz
FARLEY P. KATZ, LEAD ATTORNEY
State Bar No. 11108790
FKatz@clarkhill.com
RACHAEL RUBENSTEIN
State Bar No. 24073919
RRubenstein@clarkhill.com
FORREST M. "TEO" SEGER III
State Bar No. 24070587
TSeeger@clarkhill.com

CLARK HILL STRASBURGER
2301 Broadway Street
San Antonio, Texas 78215
210-250-6000 Ph.
210-250-6100 Fax

ATTORNEYS FOR DEFENDANT

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on February 10, 2020, a true and correct copy of the foregoing was electronically filed with the Clerk of Court using the CM/ECF system, which will send notification of such filing to the following:

Herbert W. Linder
Holly M. Church
Attorneys, Tax Division
United States Department of Justice
717 N. Harwood, Suite 400
Dallas, Texas 75201
Herbert.W.Linder@usdoj.gov
Holly.M.Church@usdoj.gov
*Attorneys for Plaintiff,
United States*

/s/Rachael Rubenstein
RACHAEL RUBENSTEIN